

DISTRICT V ADVISORY BOARD

MINUTES

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January 5, 2004

7:00 p.m.

Auburn Hills Golf Course Clubhouse

443 S. 135th West

Five (5) District Advisory Board Members including one youth member attended the District V Advisory Board meeting. Six (6) City Staff and approximately 70 members of the public were present (with 61 signing the guest list).

Members Present

David Almes
Sean Cash
David Dennis
Andy Johnson
DeAnn Sullivan
Jordan Hudson
Council Member Bob Martz

Staff Present

Randy Sparkman, Central Inspection
Dale Miller, Planning
Bill Longnecker, Planning
Steve Lackey, Pubic Works
Doug Kupper, Parks & Recreation
Dana Brown, City Manager's Office

Members Absent

Bob Bulman
John Marker
Steve Winslow
Maurice Ediger
Fran Hoggatt
Matt Schippers
Jonathan Brooks

Guests

Listed on pages 7-8

ORDER OF BUSINESS

Call to Order

Council Member Bob Martz called the meeting to order at 7:07 p.m. and welcomed the public. He explained that the role of the District Advisory Board is to advise him as the City Council Member of District V. The Council Member said that the Board reviewed both citywide and Council District V issues and took comments from the public on all agenda items. He asked that the public present their comments in an appropriate manner & respond to any other comments or actions with courtesy.

Approval of Minutes and Agenda

The minutes for December 1, 2003 were approved as written by a vote of 5-0 (Almes/Sullivan). The Agenda was approved as written.

Public Agenda

This portion of the agenda provides an opportunity for citizens to present issues that are not part of the regular agenda for the meeting.

No items were presented by the public.

Action: No action required.

Staff Presentations

Community Police Report

Officer David Wertz, Community Police Officer for Beat 16, presented policing information for District V. He explained that Beat 16 is bounded by West Street on the east, Ridge on the west, Kellogg on the south, and Central on the north but said that he would report for all of the beat areas in District V.

Officer Wertz said that businesses in the district had been canvassed in December with both marked and unmarked cars to deter crime during holiday shopping. As a result, the December crime statistics had been reduced in comparison to a year ago in December.

Specific intersections were identified as high-risk for accidents including Maple & Ridge, Central & Ridge, 21st & Ridge, and 21st & Tyler. He said that Maple & Ridge continues to be one of the highest accident intersections in the city, mostly occurring during left-turns. He advised that extra caution be used at Maple & Ridge as well as the other intersections identified.

Officer Wertz reported that the Law Department had concluded that motorized scooters were illegal on city streets. He said that use of the scooters in business parking lots was only allowed if the business had given permission. None of the City parks allow the motorized scooters. A citizen asked if golf carts were allowed on city streets to which Wertz said no, as the cart or any similar motorized item is included in this category.

Increased vandalism has occurred around apartments, particularly to vehicles. Officer Wertz also cautioned everyone about leaving their vehicles unlocked but running to warm up during cold temperatures. Auto theft always increases during the cold weather due to easy access to the car.

Board Member Cash said that he lived in the area of 119th & 13th streets and their immediate area had been vandalized six times in the past month. He asked if reporting this was valuable to the police to which **Wertz** said yes, do report by calling 268-4221. Wertz also noted that cars parked in driveways tend to receive less vandalism than those parked on the street.

Almes asked if police were noticing an increase in theft of Christmas decorations. **Wertz** said he didn't think so but couldn't say for sure without checking the statistics.

Action: Receive and file

Portable Storage Containers

Randy Sparkman, Office of Central Inspection, presented proposed changes to the ordinance regulating the use of the storage containers by businesses. This item was presented in part at the December 1, 2003 DAB V meeting but due to time constraints, the Board asked that the item be re-presented at tonight's meeting. Sparkman reviewed some history of the use of portable storage containers (PSCs) by retail businesses. He stated that the current regulations were adopted for the Wichita-Sedgwick County Unified Zoning Code (UZC) by City Council in mid 2001. Sparkman explained that requirements pertaining to allowance for "LC," Limited Commercial, zoning as well as more intensive zoning districts; placement; location and/or screening, and notification to the Office of Central Inspection (OCI) within 72 hours of placing a PSC in any "LC" zoning area.

Due to complaints about the PSC related to appearance, blowing trash & debris, noise, and placement on parking stalls and/or fire & service lanes, Sparkman said that OCI and the PSC industry worked together to provide education for PSC providers and to establish approval forms, procedures, and enforcement protocol. As a result, the providers have requested several changes to the UZC regulations. Sparkman explained that these changes are described in the *Draft Proposed UZC Changes for Portable Storage Container*, Article III-B.14e, previously provided to the Board. In addition, a *Draft Amended UZC* had

also been provided for the Board's review. Sparkman noted that neither of the draft documents include the provider request for the exemption for "large" retailers, as requested by the PSC providers.

Board Members then asked several questions as listed below with italicized responses from Sparkman:

- **Sullivan** asked about the frequency of the complaints
 - *Sparkman said 2-4/week was previously typical but none had been received lately.*
- **Almes** asked if a license was required for the PSC providers?
 - *Sparkman said no, explaining that the owner/salespeople with a business are usually more knowledgeable than the persons who deliver the PSC.*
- **Sullivan** asked is a license was required for the retailer to have a PSC on their business site?
 - *No, they are just asked to follow the UZC regulations, said Sparkman.*
- **Dennis** asked about difference in regulations for 20-40 foot containers versus freight trailers?
 - *Sparkman said freight trailers are not meant to become stationary storage sites and it is illegal for them to remain at one site for too long*
- **Johnson** asked if the time limit could be taken away for freight trailers to make them a permanent storage structure.
 - *Sparkman said yes, in zoning areas that allow their size, etc.*

The **public** then asked questions as listed below with responses from Sparkman shown in italics:

- Are the providers limited to the businesses they serve?
 - *Yes, according to the zoning, said Sparkman.*
- Only the provider is licensed?
 - *Yes, but user has to follow the code.*
- Do any of the existing or proposed regulations required large retailers such as Wal-Mart to plan ahead for storage needs?
 - *Staff has been working with the retailers for several years to do this and feel that progress is being made.*

Discussion returned to the Board and **Johnson** asked if the recommended changes include a ratio of the size of the PSC to the size of the retail site to which **Sparkman** said the current code allows 10%. However, providers have requested a change to allow principal buildings with less than 3,200 square feet to have containers up to 320 square feet in size, instead of the 2,000:200 square foot ratios given in current code. He referred the Board to the changes noted in the *Proposed UZC Changes for Portable Storage Containers, Article III-B.14e, Section (3), item (e) 1).*

Dennis stated that this appeared to be an evolutionary process and moved that the Board support the proposed recommendations as part of a continuous improvement for use of the PSCs. **Sullivan** seconded and the motion assed 5:0.

Action: The Board recommended approval of the proposed revisions for use of Portable Storage Containers.

Capital Improvement Program (CIP)

Steve Lackey, Public Works, presented the proposed program for the Capital Improvement Program (CIP) for 2004-2013 for public review and comment. He noted that the program is a ten-year plan for capital project expenditures and revenues and that the first two years are a capital budget to initiate the projects. The planning process improves the coordination of infrastructure projects not only within the City but also between the City and other organizations such as the Kansas Department of Transportation (KDOT) and Sedgwick County. Development of the CIP is an on-going process, coordinated by an administrative committee. The committee verifies financial obligations and capacity as well as progress on the previously approved program and continuing needs. From this information, a workbook is developed to build from a base of the previously approved projects.

Lackey stated that the proposed CIP includes a total of 388 capital projects for building new and replacing infrastructure. The budget totals nearly \$1.5 billion in both revenues and expenditures. Lackey noted that although the property tax rate is unchanged at 10 mills, the budget would require increases in utility rates including a proposed increase to the storm water and sewer utility fee.

Lackey then identified specific projects for the categories of freeways & railroads, arterials & bridges, parks & public facilities, the core area, transit, airport, storm water, water & sewer, and new development. He also noted projects for District V such as completion of the Kellogg flyover at intersections of Tyler & Maize, the floodway bridge; and improvements to flood prevention for the Cowskin and Calfskin Creeks.

Almes asked if the funding shown for a project pertain to full funding support for that project. **Lackey** said the funding covers a design fee and allows for opportunity purchasing. **Dennis** asked about the need for green space in District V as the fastest growing council district. **Doug Kupper, Director of the Parks & Recreation Department**, addressed the comment saying that District V has a great portion of green space with large park areas such as the Meadows, Swanson, Buffalo, and Pawnee Prairie as well as many other small neighborhood parks. In addition, the district has Sedgwick County Park as the largest park area available. However, the district does need a sports complex, and staff is looking for an opportunity purchase for that use.

Sullivan asked about flood prevention efforts related to drainage on Cowskin Creek. **Lackey** said that improvements at Kellogg and at Maple had funding previously programmed but initiation of the work was delayed due to a pending decision by the US Corp of Engineers to help with the projects. A decision was made recently to provide the city approximately \$2 million for those projects. Several revenue-funded projects have been completed or are in currently in process. A need still exists to address the Breezy Lakes, Rainbow Lakes, and adjacent County areas.

A **citizen** expressed concern that funding is provided for other projects but adequate funding for drainage projects is still needed. **Lackey** said he understood the concern as he lived in District V also.

Council Member Martz then explained that the drainage/flooding concerns were the basis for some of his decisions on recent Council action related to the riverbank improvements for downtown. But he also reminded everyone that the CIP is a “moving” plan which means the projects, funding, and timing are not “set in stone.”

Dennis (Johnson) moved to recommend approval for the CIP with sufficient funding for Calfskin and Cowskin Creek improvements and other drainage issues. The motion passed 5:0.

Action: Board recommended approval with the condition of sufficient funding for drainage improvements.

Police Department Professional Standards Bureau

No presenters were available and the presentation was deferred until February 2, 2004.

Approximately 8:00 p.m.

Planning Agenda

CON2003-48

Dale Miller, Planning Department, presented a request to change current zoning of “SF-5” Single Family Residential to “CU” Conditional Use to permit community assembly on a 25-acre site to allow for future development for the Median Shrine Temple. The subject property is located on south side of 13th Street, ¼ mile east of Ridge Road.

District Advisory Board Member Andy Johnson excused himself from the table due to a conflict of interest with the request.

Dale Miller, MAPD, presented information from the staff report for the requested zone change showing a preliminary site plan for future development. The site plan includes a playground/recreational area, an assembly building, parking area, and a vehicle storage building to house ambulances used in a Shrine-sponsored program for transporting children in need of medical care. A driveway with landscaping and berms surrounding the development are also shown in the site plan.

Terry Smythe, Baughman Engineering & agent for the property owner, provided other details and answered questions throughout the discussion.

Members of the Spinnaker Cove Homeowner Association (HOA) Board presented a power point presentation outlining their opposition to the request. The presentation noted pictures of the current view of the subject property located on the west side of a lake shared by the HOA and the owner of the subject property, and the “upscale” homes in the HOA. The points of concern included incompatibility of proposed use and a negative impact on use of the lake. HOA Members also noted a letter in which their current insurance agency states that liability insurance would be terminated if the proposed development occurs, based on information provided to the agency. **Residents from the area east of the subject property** also commented about issues including large numbers of people congregating through facility rental, lighting, noise, use of alcohol, impact on maintaining the value of their homes, hindering view of the lake & the wildlife, previous assurance that the current zoning would allow only residential use, current use of Hazelwood Street by children, and drainage.

A representative of the Median Shrine addressed many of the concerns & questions noting that the current facility downtown is only rented about 12 times/year; the Shrine alcohol license is restricted to member use; and, the Shrine intention to be a good neighbor and maintain the property including the lake with good stewardship as well as work with the adjacent residents to address concerns.

DAB Members asked questions regarding elevation of building & impact of berms on proper drainage; conditions noted in the staff report but not listed; type of alcohol license; hours of operation; platting step in process for Community Assembly plan; appropriate drainage to protect homes; time frame for building main structure; type of architecture; how to prevent lighting from shining into residential areas; Shrine interest in moving from downtown site; if the HOA had researched buying the property to maintain as natural area; and, how responsibility for liability insurance could be shared to cover use of the lake. They noted that the current zoning of Single Family would create greater issues of increased traffic; the need to open Hazelwood Street for emergency access; & that the owner of the subject property has a right to develop the property according to acceptable land use.

The District Advisory Board recommended by a vote of 3:1 that the request be approved with the following conditions:

- Lighting be restricted to prevent shining into residential areas, beyond subject property
- Structure be built with compatibility to surrounding residential architecture
- Platting process will involve review by area residents at a public hearing. (Notification of meeting will include signage on the subject property and direct notice to representatives of the neighborhoods who will, in turn, notify other residential in each area east & west of subject property.)
- Events held in any future facility that is rented to a second party by the Shrine will end at midnight.

The Board also suggested that the applicant & HOA work together on alternatives for maintaining insurance liability for the use of lake.

Action: The Board recommended approval with conditions by a vote of 3:1 (Sullivan).

ZON2003-00059

Dale Miller, Planning Department, presented a request to change current zoning of “**SF-5” Single Family Residential** to “**NR**” Neighborhood Retail. The subject property is located east of 135th Street West on the south side of Maple, adjacent to property that is planned for a Dillons store. Miller reviewed the staff report and stated that planning staff recommended approval with a Protective Overlay #130 for the request. Included in the Overlay is a 6-foot masonry wall along the site’s east and south sides to screen the commercial areas from the residential areas. The applicant and Dillons have reached an agreement to split the cost of the wall.

The Board asked if Planning staff had received any concerns from the residents notified about the zone request. One resident, **William Behrens, 381 S. Limuel Court**, spoke saying that his issues had been addressed. With that information, **Sullivan (Cash)** moved that the Board recommend approval with the conditions listed in the staff report. Motion passed 5:0.

Action: The Board recommended approval with conditions recommended by Planning staff.

Board Agenda

Updates, Issues, and Reports

Council Member Martz stated that he wanted to give the Board an opportunity to ask questions about any concerns or issues related to his voting in City Council actions or other City issues. Board Members asked several question with the first pertaining to the recent issue of changing the City’s current form of government, known as *City Manager-Council* form. **Council Member Martz** explained that the *City Manager-Council* form provided a balance with elected officials who represent the citizens to set city policy based on consideration of citizen input and a professional administrator to oversee that departments implement the procedures and carry out actions necessary to support the policies. In a city the size of Wichita, the role of the professional administrator/manager is critical due to the multitude of and responsibilities and challenges that must be addressed on a daily basis as well as planning for the future health & stability of the city.

Another question from the Board related to the “consulting” contract arranged with the previous City Manager, Chris Cherches—what did it include and were deliverables identified? **Council Member Martz** said he understood the need for the question but that Cherches would provide the consultation services on an “as needed” basis during the interim period needed for hiring a new manager. With several vacancies either existing or happening soon in key senior staff, the need for continued guidance from Cherches was critical to the operation of the City. **Sullivan** expressed concern for an agreement that did not include specific deliverables. **Council Member Martz** noted the concern but stated that he had confidence that Cherches would honor the agreement through his history of dedication to the organization and the community as well as his desire to see the completion of initiated projects. He said the nature of city management can be complex and is always dynamic which made deadlines for specific deliverables difficult to specify due to the unknown period of time required for hiring a new city manager. In order to make Cherches responsible for completing specific projects, he would need to remain in the city manager position until a replacement is hired; Cherches was not agreeable to this arrangement for the same reasons on which he based his decision to resign.

One last issue presented was whether consolidation of the city and county governments should be strongly considered. **Council Member Martz** explained that the City Council is always interested in exploring possible consolidation of services. He said that the issue had been explored a number of times in a number of areas. Entire consolidation of the two governments was researched previously and resulted in a report identifying areas where consolidation would be feasible and also provide a cost savings for operation. Strongly recommended also was that the city administer the proposed areas due to the Home Rule option that provides city government the ability to create greater restriction than state and county. Resistance from the county commissioners caused the issue to be tabled.

However, some consolidation efforts have been made in fire and emergency services through “first responder” procedures. And, until recently, the Wichita-Sedgwick County Department of Community Health operated as a joint city-county department that reported to both governments.

Action: Receive and file.

With no further business, **Council Member Martz** adjourned the meeting, reminding everyone that the next meeting for District Advisory Board V is scheduled for February 2, 2004. The meeting will be at Auburn Hills Clubhouse at 7:00 p.m. The meeting was adjourned at approximately 11:10 p.m.

Respectfully Submitted,

Dana Brown, Neighborhood Assistant
City Council District V

Guests

A. Neil Ginest	6602 Warren Circle 67212
Larry DeBrot	6605 Warren Circle 67212
Alan Collison	6513 W Warren Circle 67212
Les Brumley	6606 Warren 67212
Terrance Smythe	315 Ellis 67211
Tom Mason	No address provided
Ron Chipman	1214 Sand Plum 67212
Ed Kope	1112 Hazelwood 67212
Wilbur Brown	1108 Hazelwood 67212
Patrick B Hughes	155 N Market, Suite 600 67202
Kathy Brumley	6606 Warren Circle 67212
Linda DeBrot	6605 Warren Circle 67212
Barb Pestinger	6509 Warren Circle 67212
Spencer Tepe	1129 Northshore 67205
Loyd Oakley	245 N Arcadia 67212
Mary Oakley	245 N Arcadia 67212
Judith Avers	1158 Sandplum 67212
Bette Baxter	1138 Sandplum Ln 67212
Mel Koci	1142 Sandplum Ln 67212
Gloria Adams	6602 Ponderosa Circle 67212
Larry Anderson	6513 Ponderosa 67212
Bobbi Alderson	6513 Ponderosa Circle 67212
Michelle Green	6502 Ponderosa Circle 67212
Euel Reed	1311 N Northshore 67212
Mark Tindel	1308 Sandplum 67205
Connie Tindel	1308 Sandplum 67205
Jeff Sowden	130 N Topeka 67202
Ron Capps	11814 Lost Creek 67212
John Auch	11316 W 1 st 67212
William E Wiley	1120 Hazelwood 67212
Alan Green	6506 Ponderosa Cir 67212
Stan Rzeszotarski	6514 Ponderosa Circle 67212
Judy Rzeszotarski	6514 Ponderosa Circle 67212
Dan Halblieb	1211 North Shore Blvd. 67212
Mary Hemmelgara	6610 School Circle 67212
T. L. Foley	6611 School Circle 67212
John Davies	1315 Northshore 67212
Shirley Lewis	6610 Ponderosa Circle 67212

Brian Lewis	6610 Ponderosa Circle 67212
Jan Duncan	1326 Sandplum Ln 67205
Harrell Duncan	1326 Sandplum Ln 67205
Jim Clark	1148 Hazelwood 67212
Lylia Clark	1148 Hazelwood 67212
John Lacy	6615 Briarwood Circle 67212
Phyllis Lacy	6615 Briarwood Circle 67212
Roy Ball	6603 School Circle 67212
David Schopf	1118 Arcadia 67212
Chuck Moore	1218 Sandplum Ln 67205
Jorge DeLaTorre	1206 Sandplum Ln 67205
Clete Dold	218 S Breezy Pt. Circle 67235
Clifford Glover	6606 Briarwood Cir 67212
Carol L. Glover	6606 Briarwood Cir 67212
Arlene Moore	6506 Warren Circle 67212
Susan Lamers	1116 Hazelwood 67212
Michael Magee	1113 Hazelwood 67212
Donna Magee	1113 Hazelwood 67212
Chuck Jones	1149 Hazelwood 67212
Dennis Moon	1128 Hazelwood 67212
Judy Moon	1128 Hazelwood 67212
Junior E Schuplowsky	1304 Sandplum 67212
William Behrens	381 S. Limuel Court 67235